

### **REMARKS/ARGUMENTS**

This Amendment is being filed in response to a first Official Action for a Request for Continued Examination (RCE) of the present application. Initially, Applicant would like to thank the Examiner for taking the time to conduct a telephone interview with Applicant's undersigned attorney regarding the first Official Action. Applicant also appreciates the indication that Claims 25, 27 and 29 are allowable. However, the first Official Action continues to reject the remaining claims, namely Claims 1-24, 26 and 28. More particularly, the first Official Action rejects Claims 1-4, 9-12, 17-20, 24, 26 and 28 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent Application Publication No. 2002/0116268 to Fukuda. The Official Action then rejects Claims 5-8, 13-16 and 21-23 under 35 U.S.C. § 103(a) as being unpatentable over Fukuda in view of U.S. Patent Application Publication No. 2005/0125561 to Miyaji.

As explained below, Applicant again respectfully submits that the claimed invention is patentably distinct from Fukuda and Miyaji, taken individually or in combination. Accordingly, Applicant respectfully traverses the rejections of the claims as being anticipated by Fukuda, or as being unpatentable over Fukuda in view of Miyaji. Nonetheless, Applicant has amended various ones of the claims to further clarify the claimed invention. In view of the amendments to the claims and the remarks presented herein, Applicant respectfully requests reconsideration and allowance of all of the pending claims of the present application.

As previously explained, Fukuda discloses an information propagation system, device and terminal, and an associated information provision method, for allowing a user to acquire information on an object such as a general-purpose product or relating to an advertisement over a network without having to write the network address. As disclosed, an RF-ID tag storing a uniform resource locator (URL) of a server providing information is attached to a paper-based advertisement. A user carries a personal digital assistant (PDA) including an installed RF-ID reader. Accordingly, the user desiring to obtain this information over the Internet utilizes the PDA to receive the URL from the RF-ID tag installed in that advertisement and access the Internet.

Aspects of the present invention provide a terminal, method and computer program product for interacting with a service provider for accessing a remote service. As embodied in

previously presented independent Claim 1, for example, the terminal includes a controller adapted to actively operate an application, and receive information from a RF transponder tag or a device adapted to operate as a RF transponder tag at least partially over an air interface. As recited, the information includes a service type representing a service offered by the service provider. Thus, the controller is also adapted to contact the service provider for accessing the service, and thereafter perform a predefined action based upon (a) the service type, (b) the application actively operating on the terminal and (c) a state of the application. For example, the controller may be adapted to receive data from the service into an actively operating application when the terminal is actively operating an application in a state of receiving data (see Claim 2), and/or send data to the service when the terminal is actively operating an application in a state of presenting data (see Claim 3).

As explained in the Preliminary Amendment to this RCE, in contrast to the claimed invention, Fukuda (as well as Miyaji) does not teach or suggest performing a predefined action based upon (a) information relating to the service type (received from a RF tag or a device adapted to operate as such), (b) an application actively operating on the terminal, and (c) a current state of the application when the controller receives the information, the predefined action differing for different states of the application. During the telephone interview with the Examiner, Applicant's undersigned attorney explained that the actively-operating application of the present application may alternately operate in different current states when the controller receives information from a RF tag (or device operating as such). The current state of the application when the controller receives the information, then, at least partially forms the basis for the predefined action performed by the controller. And to further illustrate this feature of the claimed invention, the Examiner was referred to dependent Claim 24 (and similarly Claims 26 and 28) reciting that the controller alternately performs first or second predefined actions based upon the state of the application being for either receiving or presenting data, respectively, when the controller receives the information.

Appreciating the aforementioned distinction between the present invention and the cited references, the Examiner suggested that Applicant amend the claims to further clarify performance of different actions for different states of an application operating on the terminal.

Accordingly, and although Applicant maintains that the previously presented claims patentably distinguish from Fukuda and Miyaji, taken individually or in combination, Applicant has amended independent Claims 1, 9 and 17 to incorporate the subject matter of respective ones of dependent Claims 24, 26 and 28, and cancelled Claims 24, 26 and 28. That is, Applicant has amended independent Claim 1, and similarly independent Claims 9 and 17, to further clarify that the controller is configured for alternately performing a first predefined action when the terminal is actively operating an application in a state of receiving data, and performing a second, different predefined action when the terminal is actively operating an application in a state of presenting data. As further amended, the application is in a state of either receiving data or presenting data when the controller receives the information.

Applicant therefore respectfully submits that neither Fukuda nor Miyaji, taken individually or in combination, teaches or suggests amended independent Claim 1, and by dependency Claims 2-8. As suggested above, Applicant also respectfully submits that amended independent Claims 9 and 17 recite subject matter similar to that of amended independent Claim 1, including alternatively performing first or second predefined actions for different, presenting or presenting states, of an application actively operating on the terminal. Thus, Applicant respectfully submits that amended independent Claims 9 and 17, and by dependency Claims 10-16 and 18-23, are patentably distinct from Fukuda and Miyaji, taken individually or in combination, for at least the same reasons given above with respect to amended independent Claim 1.

In view of the foregoing, Applicant respectfully submits that the rejection of Claims 1-4, 9-12, 17-20, 24, 26 and 28 as being anticipated by Fukuda, and the rejection of Claims 5-8, 13-16 and 21-23 as being unpatentable over Fukuda in view of Miyaji, are overcome.

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**CONCLUSION**

In view of the amendments to the claims and the remarks presented above, it is respectfully submitted that all of the claims are in condition for allowance. Accordingly, a Notice of Allowance is respectfully requested in due course. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Andrew T. Spence  
Registration No. 45,699

**Customer No. 00826**  
**ALSTON & BIRD LLP**  
Bank of America Plaza  
101 South Tryon Street, Suite 4000  
Charlotte, NC 28280-4000  
Tel Charlotte Office (704) 444-1000  
Fax Charlotte Office (704) 444-1111

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